

NOTICE CONCERNING RETENTION OF POTENTIALLY RELEVANT DOCUMENTS AND TANGIBLE THINGS

The purpose of this notice is to alert you to certain obligations that potential litigants (such as you) have by operation of law, of which you may not already be aware. The following is a summary of those obligations, and does not necessarily encompass all the legal duties you have concerning the retention of documents and tangible things. The destruction of evidence relevant to a party's claims, regardless of whether intentional or unintentional, is called "spoliation." If a Court determines that spoliation has occurred, it will instruct the jury that it must *presume* that whatever information was contained in that evidence was harmful to the party who failed to preserve it. You should consult with your own attorney about your legal obligations concerning document retention because of the potential litigation discussed in the Cease and Desist letter that accompanies this notice.

Be advised that by law, you are *obligated* to retain all documents, whether maintained physically or electronically, including *all tangible things that potentially relate to the subject matter of the claims against you*, as more specifically referenced in the accompanying Cease, Desist and Demand letter and its enclosures ("Clients' Claims"). If litigation against you involving our Clients' Claims becomes necessary, you will be required to produce the originals of all relevant documents and tangible things; our Clients want to ensure that there will be no destruction or deletion of material that would prevent or hamper the discovery of evidence relevant to the prosecution of our Clients' Claims, whether intentional or unintentional. Nothing herein, however, should be construed as in any way limiting your retention obligations otherwise existing under applicable law.

Specifically, you are advised that you should preserve all forms of communications, including but not limited to electronic mail, text messages, and all attachments, between you and anyone else if they relate to or concern our Clients' Claims. Such also includes all FTP and other digital files used to create and/or maintain Internet web sites. Finally, such evidence includes all marketing materials and financial documents, both digital and paper ones, relating to and/or concerning revenue you received through any and all infringement(s).

Your preservation obligation includes the duty to immediately cease all automatic deletion(s) and construction protocols in place, and all other practices that may affect any hard copy and/or electronic material potentially relevant to the Clients' Claims, and to ensure that no hardware or software serving, storing and/or accessing potentially relevant electronic material (i.e., hard drives, back up tapes, etc.) is destroyed, removed or rendered unreadable during the pendency of the Clients' Claims.

If you have retained an attorney to represent you with respect to our Clients' Claims, you should forward this notice along with the accompanying letter and its enclosures to said attorney.